

OFFICIAL COPY

Fresno, California

November 15, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
 Jim Sanchez, Chief Assistant City Attorney
 Hilda Cantu Montoy, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Imam Seyed Ali of the Islamic Cultural Center gave the invocation, and President Dages led the Pledge of Allegiance.

CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: DUPONT COMMERCIAL FLOORING SYSTEMS, INC., ETC. V. COF, MAULDIN-DORFMEIER CONSTRUCTION, INC., ET AL., AND CONSOLIDATED AND CROSS-ACTIONS; SUPERIOR COURT CASE #03CECG04489 CONSOLIDATED WITH #04CECG00577

The City Council convened in closed session in Room 2125 at the hour of 8:36 a.m. and reconvened in regular open session at 8:55 a.m.

PRESENTATION OF THE "MAYOR'S BUSINESS RECYCLING AWARDS"

1. PROCLAMATION OF "AMERICA RECYCLES DAY"

Proclamation and awards read and presented.

RESOLUTION OF COMMENDATION TO THE SEWER MAINTENANCE DIVISION FOR SAFETY PERFORMANCE

Presented.

PRESENTATION OF LIFE SAVING AWARDS TO POLICE OFFICER VALLES AND CIVILIAN HEROES PAUL SANCHEZ, MIKE GONZALES AND DAVID BEJARANO

Presented.

COMMENDATION TO CITY EMPLOYEES SERVING IN THE MILITARY - COUNCILMEMBER WESTERLUND

Commendations made, certificates presented (**2 - 0**), and a reception was held immediately following to honor the employees.

RECESS - 9:51 A.M. - 10:07 A.M.

APPROVE MINUTES OF NOVEMBER 1, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of November 1, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

(1) THANK YOU TO COUNCIL DISTRICT 4 STAFF FOR THEIR WORK IN ORGANIZING THE COMMENDATION EVENT AND RECEPTION FOR CITY EMPLOYEES SERVING IN THE MILITARY AND THE CITY COUNCIL FOR THE TIME ALLOWED; AND (2) COMMENDATION TO CHIEF INFORMATION OFFICER BOB HENDRICKS ON BEING PROFILED IN THE NATIONAL PUBLICATION "GOVERNMENT IN TECHNOLOGY" MAGAZINE - COUNCILMEMBER WESTERLUND

Thank you and commendation extended.

RESIDENT COMPLAINTS AND REQUEST TO STAFF TO REQUEST DEVELOPERS CURRENTLY DEVELOPING ON FOWLER AND ARMSTRONG AVENUES SOUTH OF KINGS CANYON TO CLEAN-UP/WATER DOWN DUSTY/DIRTY ROADS - PRESIDENT DAGES

Request made.

APPROVE AGENDA:

(2-C) APPROVE NECESSARY DOCUMENTS TO ESTABLISH AN INDEPENDENT POLICE AUDITOR (IPA)

1. RESOLUTION - 10TH AMENDMENT TO SALARY RES. 2005-290 ADDING THE IPA POSITION AND ESTABLISHING COMPENSATION RATES AND SCHEDULES FOR FY 2006
2. RESOLUTION - 14TH AMENDMENT TO PAR 2005-287 ESTABLISHING THE POSITION
3. RESOLUTION - 41ST AMENDMENT TO AAR 286 APPROPRIATING \$80,000 FOR THE POSITION

Councilmember Duncan stated the establishment of this position was rejected by Council during the last budget process, stated there was a time and place for everything, the timing was not right, and this matter needed to be brought back at the next budget, and made a motion to table.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item 2-C tabled to the 2006 budget process, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Westerlund, Dages
Noes	:	Boyajian, Sterling
Absent	:	None

A gentleman in the audience expressed concern with the action stating people wanted to speak and deserved the courtesy to be heard, whereupon President Dages advised those wanting to speak could address Council under "Public Comment - Unscheduled Communications".

(9:45 A.M.) ESTABLISH A TASK FORCE TO EXAMINE THE FEASIBILITY OF IMPLEMENTING FIRST SOURCE HIRING AGREEMENTS - COUNCILMEMBER STERLING

Removed from the agenda by Councilmember Sterling who stated she would reschedule the matter.

(1-P) BILL - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO SIGN VIOLATIONS ON PUBLIC PROPERTY (*FOR INTRODUCTION*)

Continued to November 29, 2005, at the request of staff.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

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Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

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ADOPT CONSENT CALENDAR:

Gloria Torrez stated consent calendar items were not routine and needed to be discussed and voted upon separately; relative to Item **1-G** stated something similar was already purchased and was not being used and stated improved transit service was needed; and relative to **1-P** stated she hoped this would not infringe on citizens' personal spaces/homes/religious rights.

Matilda Rangel, Central Criminal Justice Committee and COP Watch member, spoke in opposition to Item **1-I** stating lasers were fatal to some people, requested no purchases be made until further studies and police officer training are conducted, and submitted copies of newspaper articles relative to physician's concerns with lasers, on file in the office of the city clerk.

Tony Farmer spoke to Item **1-I** and questioned why Council would purchase anything without competitive bidding and why Council last year awarded a trash-hauling contract for 20 years.

Councilmember Sterling registered a "NO" vote on Item **1-I**.

(1-A) APPROVE AN AGREEMENT WITH BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS IN THE AMOUNT OF \$128,970 FOR THE DESIGN OF THE MARKS AVENUE SEWER MAIN BETWEEN WHITESBRIDGE AND NEILSEN AVENUES

(1-B) RESOLUTION NO. 2005-483 - 40TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$100,000 FOR AN ANALYSIS OF VEHICLE IMPACTS ON CITY STREETS

(1-C) APPROVE A COST SHARING AGREEMENT WITH THE COUNTY OF FRESNO IN THE AMOUNT OF \$12,925 FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF CLINTON AVENUE AND NINTH STREET

(1-D) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO HALLOWELL CHEVROLET CO. INC., dba HEDRICKS CHEVROLET, IN THE AMOUNT OF \$89,609.96 FOR CARGO VANS

(1-E) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO HALLOWELL CHEVROLET CO., INC. dba HEDRICKS CHEVROLET, IN THE AMOUNT OF \$221,511.79 FOR REGULAR CAB ½ TON TRUCKS

(1-F) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO C.L. BRYANT, INC., IN THE AMOUNT OF \$507,121.39 FOR MOTOR OILS AND LUBRICANTS

(1-G) AWARD A CONTRACT IN THE AMOUNT OF \$212,539.19 TO THE TRAPEZE GROUP FOR AN AUTOMATED FIXED-ROUTE SCHEDULING, RUNCUTTING, ROSTERING, AND OPERATOR MANAGEMENT SOFTWARE SYSTEM, IF AN AGREEMENT CAN BE REACHED AS TO THE EXCEPTIONS THEY RAISED TO THE TERMS AND CONDITIONS SET BY THE CITY IN THE PROPOSAL

(1-H) APPROVE APPOINTMENT OF KAREN SNOWDEN TO THE HOUSING AUTHORITY

(1-J) APPROVE A TEN YEAR LAND LEASE WITH THE FEDERAL EXPRESS CORPORATION FOR 84,880 SQUARE FEET OF UNDEVELOPED LAND LOCATED AT THE EAST SIDE OF THE AIRPORT CARGO RAMP, TO DEVELOP A CARGO SORTING FACILITY TO SUPPORT THEIR CARGO OPERATIONS AT FRESNO YOSEMITE INTERNATIONAL AIRPORT, AT THE INITIAL RENTAL OF \$61,113.60 PER YEAR, WHICH WILL BE SUBJECT TO ANNUAL ADJUSTMENT BASED ON A FORMULA THAT CONSIDERS CERTAIN INDEXES PUBLISHED BY THE US DEPARTMENT OF LABOR, AND INCLUDE WITHIN THE LEASE, RIGHTS TO 48,882 SQUARE FEET OF "REVOCABLE, NON-EXCLUSIVE PRIORITY USE" SPACE ON THE AIRPORT CARGO RAMP

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(1-K) APPROVE AN AMENDMENT TO BURGUNDY PARTNERS LLC's FIXED BASE OPERATOR (FBO) LEASE AT FRESNO YOSEMITE INTERNATIONAL AIRPORT TO COVER DEMOLITION OF THEIR CURRENT HANGAR AND OFFICES, CONSTRUCTION OF A REPLACEMENT HANGAR WITH A MINIMUM INVESTMENT OF \$3.5 MILLION, AND EXTENSION OF THE LEASE TO NOVEMBER 30, 2044

1. APPROVE A NEW LEASE, SEPARATE AND APART FROM THE FYI FBO LEASE, WITH A YET-TO-BE-FORMED AFFILIATED CORPORATION (TENTATIVELY BEING CALLED "BURGUNDY II"), TO COVER THE \$4.5 MILLION FRESNO CHANDLER EXECUTIVE AIRPORT BUSINESS ARRANGEMENT THAT COUNCIL PREVIOUSLY APPROVED ON 7/26/05, AS AN AMENDMENT TO BURGUNDY'S FYI FBO LEASE

(1-L) ADOPT THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF - UNIT5), COVERING THE PERIOD JANUARY 1, 2005, THROUGH JUNE 30, 2008

1. RESOLUTION NO. 2005-485 - 9TH AMENDMENT TO SALARY RES. 2005-290 AMENDING EXHIBIT 5, FIRE NON-MANAGEMENT (IAFF)

(1-M) ADOPT THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (FIRE MANAGEMENT - UNIT 10), COVERING THE PERIOD JULY 1, 2005, THROUGH JUNE 30, 2007

1. RESOLUTION NO. 2005-486 - 11TH AMENDMENT TO SALARY RES. 2005-290 AMENDING EXHIBIT 2, SECTION 2.2, FIRE MANAGEMENT (IAFF)

(1-N) (ITEM REMOVED FROM THE AGENDA)

(1-O) BILL NO. B-134 - AMENDING SECTION OF THE FRESNO MUNICIPAL CODE RELATING TO SPECIAL POLICE PROTECTION

1. APPROVE THE SIDE LETTER AGREEMENT WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) TO AMEND THE FRESNO MUNICIPAL CODE RELATING TO SPECIAL POLICE PROTECTION

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(1-I) RESOLUTION NO. 2005-484 - AUTHORIZING THE PURCHASE OF 196 X26 TASTERS, WITHOUT ADVERTISED BIDDING, IN ACCORDANCE WITH ADMINISTRATIVE ORDER 3-3, SOLE SOURCE PURCHASE OVER THE FORMAL BID LIMIT, AT A COST NOT TO EXCEED \$212,035 INCLUDING WARRANTIES, TAX AND FREIGHT CHARGES

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-484 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
Noes :	Sterling
Absent :	None

(9:00 A.M.) PUBLIC COMMENT - SCHEDULED COMMUNICATION:

1. APPEARANCE BY NANCY OMACHI TO DISCUSS AND REQUEST ACTION RELATING TO CAPITAL IMPROVEMENT FUNDS FOR CAMP FRESNO

Ms. Omachi, Camp Fresno concessionaire, stated Camp Fresno was old and in need of repairs, advised the facility was also in violation with the Health Department and the State and explained, stated funds needed to be allocated to the facility to address the needs, and added she reluctantly stepped down from her position as she felt she could not take reservations due to the conditions and without knowing what will happen next year.

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Additional speakers expressing concerns and/or speaking to the need for funds to upgrade/improve the facility were: Arthur Amerian, Al DeLuca, Michael Ohashi and Nish Kochian.

Parks & Recreation Director Cooper stated staff has been meeting with the "Friends of Camp Fresno" and they would be looking into whether the "Friends" and other community shareholders want to invest back into the property, advised fund-raising would occur and staff would be reporting back, and upon questions of President Dages and Councilmember Calhoun stated there were no plans to close the facility and an interim concessionaire was already in place. Councilmember Boyajian requested staff provide Council with an inventory and needs assessment and Mr. Cooper spoke further to the water filtration and sewer system issues.

2. APPEARANCE BY WILLIAM MILTON, SR. TO DISCUSS OSHA REGULATIONS RELATING TO 2IN/2OUT FIREMEN ENTERING A BURNING BUILDING

Appearance made with Mr. Milton speaking to the need to have four (4) firefighters on every truck **(3 - 0)** and to the importance of response times.

(2-A) CONSIDER EXTENSION OF AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS WITH PAYNTER REALTY & INVESTMENTS FOR LAND AT HERNDON AND BRAWLEY AVENUES

Supervising Real Estate Agent Balch reviewed the issue, all as contained in the staff report as submitted.

Dave Paynter, Paynter Realty & Investments, spoke further to the history of the issue and how it got to this point, clarified he was not requesting a 3-month extension but an extension of time sufficient to have all applications heard by the planning commission and council including any appeal periods, and stated an extension would be fair and reasonable and explained.

Councilmember Calhoun spoke in opposition to an extension due to the 20-acre plan amendment and the retail (a Target store) being proposed for the property, and elaborated further on the issue, expressed concerns, and made a motion to deny the extension, which motion was seconded by Councilmember Sterling.

Mr. Paynter, Chief Assistant City Attorney Sanchez, Assistant City Manager Rudd and Mr. Balch responded to questions and comments of Councilmember Boyajian at length relative to how much time the developer was requesting, an EIR taking one year and a 3 month extension not making any sense, if another motion could be made to give an extension, the land purchase, how long the city and developer have been in negotiations, what will happen if an extension is not approved, how many people submitted bids, bid amounts, if Mr. Paynter came in with his eyes open, if Mr. Paynter advised staff of his Target plans, if a study was conducted to see if there was a market for a Target, and what the study's findings/results were.

Councilmember Duncan stated he respected Councilmember Calhoun's position but clarified at issue was an extension of time and not land use, and presented questions relative to how the 3 month time was arrived at, if staff would be comfortable with a longer extension, and if an additional extension was an option if 3 months is found to be unrealistic, with Mr. Balch and Public Works Director Healey responding. Councilmember Duncan stated he respected the process and was supportive of giving the developer the time needed to finish the process. Councilmember Calhoun spoke to the survey and stated everyone wants a Target but the question was *where should it go*, clarified staff was also recommending against the project and the desired uses were made clear to the developer a long time ago, stated everything was going uphill and the developer gave the impression he was going to look for another location and expressed concern that this was here again, and stated he did not trust the developer and urged the motion be approved with the message to look elsewhere.

President Dages spoke to the amount of money Mr. Paynter has spent to date, to his \$4.5 million bid, and to his plans for the property; stated the City was taking his payments and was now stonewalling the process and added this recently happened with another individual; questioned why the process was even started to begin with if retail was not wanted there and if Mr. Paynter knew in the agreement that he could not have a retail outlet there (with Planning & Development Director Yovino responding), and stated this was very frustrating and Mr. Paynter had a right to process his application.

A motion of Councilmember Calhoun, seconded by Councilmember Sterling, to deny an extension failed, by the following vote:

Ayes	:	Calhoun, Sterling
Noes	:	Boyajian, Duncan, Perea, Westerlund, Dages

Absent : None

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A motion and second was made to approve staff's recommendation for a 3-month extension.

Councilmember Calhoun clarified when Council approved Mr. Paynter's offer there was no proposal before Council and no one knew anything about a Target, noted Mr. Paynter was told to pursue mixed use with his project within bid parameters, and stated Target came about months later after the developer "snagged" Target and some heavy commercial development with no mix.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, a three month extension hereby approved so that more detail can be acquired on the project and a determination of the appropriate CEQA review can be ascertained, by the following vote:

Ayes : Boyajian, Duncan, Perea, Westerlund, Dages
 Noes : Calhoun, Sterling
 Absent : None

(2-B) APPROVE STRATEGIES AND RECOMMENDATIONS FOR PUBLIC AWARENESS AND INCREASE IN CIVIL PENALTIES FOR THE USE OF ILLEGAL FIREWORKS

1. RESOLUTION NO. 2005-487 - 436TH AMENDMENT TO MFS RES. 80-420 ADDING AN "ILLEGAL USE OF FIREWORKS" CITATION FEE UNDER THE FIREWORKS SECTION OF THE FIRE DEPARTMENT

Chief Bruegman reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who stated if this passes all fireworks should be deemed illegal; and William Milton, support **(4 - 0)**.

Councilmember Calhoun thanked Chiefs Bruegman and Dyer and their staff for being so responsive and for all the thought and work that went into this, stated education was the most important thing if this is to succeed and requested staff work closely with the media relative to the consequences of purchasing illegal fireworks, questioned if staff could easily differentiate between legal and illegal fireworks (with Chief Bruegman stating it was clear and relatively easy to spot illegal fireworks and explained), stated if after the next 4th of July the city can not get its arms around illegal fireworks he would move to ban safe and sane fireworks, and made a motion to approve staff's recommendation. Councilmember Duncan stated he would not support a ban if this is not successful and stated the problem was enormous and people needed to be informed of zero tolerance through an education process and commended Chief Bruegman. Chief Bruegman responded to questions of Councilmember Perea relative to number of teams that will be dispatched to enforce regulations and if enforcement would be re-active or pro-active.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the three-part strategy to reduce illegal fireworks use hereby approved, and the above entitled Resolution No. 2005-487 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION:

APPEARANCE BY BARBARA HUNT REGARDING THE ILLEGALITY OF THE COUNCIL SERVING AS THE REDEVELOPMENT AGENCY

Appearance made.

APPEARANCE BY TONY FARMER EXPRESSING SUPPORT FOR NAMING THE BASEBALL FIELD AT QUIGLEY PARK IN MEMORY OF ELMER STOKES **(11:00 A.M. ITEM)**

Mr. Farmer spoke about Mr. Stokes and all he did for the senior league and suggested the city look at renaming the park after Mr.

Stokes.

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APPEARANCE BY RICHARD HERRIMAN, 4321 N. WEST AVENUE, REGARDING A MAYORAL VETO OF THE ZOO LEASE

Upon question of Mr. Herriman, Councilmember Westerlund confirmed the Mayor did veto the lease and Chief Assistant City Attorney explained the process that would occur.

(11:15 A.M.) DISCUSSION AND APPROVAL OF OUTLINED RECOMMENDATIONS REGARDING THE UTILIZATION OF FIRE SPRINKLERS

Noting the matter would probably not be heard in the morning session an unidentified gentleman advised people in attendance waiting for the item had commitments in the afternoon and requested the matter be continued to November 29, 2005. Upon question, Chief Bruegman stated he was supportive of the continuance and the following action was taken:

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled **11:15 A.M.** item continued to November 29, 2005, at a time to be determined, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(2-C) APPEARANCE BY GLORIA TORREZ REGARDING THE INDEPENDENT POLICE AUDITOR

Upon question President Dages clarified Council's earlier action tabled the matter to next year's budget process.

APPEARANCE BY DOUG STOKES REGARDING THE **11:00 A.M.** ITEM

Mr. Stokes, son of Elmer Stokes, spoke briefly to his Father's efforts and stated the family was supportive of a plaque and was not interested in changing Quigley Park's name. Councilmember Boyajian stated the item was not controversial and requested it be heard as soon as possible.

(1) NEED TO RESOLVE ISSUES/FINISH THE DANGEROUS CORNER AT WILLOW AND SHEPHERD AVENUES (SUGAR PINE TRAIL) THAT IS IN LITIGATION; (2) REQUEST STAFF INFORM OWNERS OF THE BLIGHTED CONDITION OF THE OLD "LAS MARGARITA'S RESTAURANT" BUILDING (BROKEN WINDOWS AND VAGRANTS); AND (3) SUCCESS OF LOUISVILLE'S FORM OF GOVERNMENT AND REQUEST STAFF TO CONTINUE TO LOOK AT OTHER MODELS FOR GOVERNMENT INCLUDING "METRO LOUISVILLE" - COUNCILMEMBER CALHOUN

Comments/concerns/requests made.

Councilmember Boyajian again advised people were in attendance who had been waiting for the **11:00 a.m.** item and requested it be heard as soon as possible as it was not controversial and would not take long.

Upon an earlier question of President Dages Councilmember Calhoun clarified the reason he was opposed to working through the lunch hour to 1:00 p.m. was because of the Council schedule and the need to follow it and added he had things to do at City College.

(10:00 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF E. ASHCROFT AT N. SHARON AVENUE
1. RESOLUTION NO. 2005-488 - ORDERING THE VACATION OF THE ABOVE

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, questioned what happens to the vacated property.

Upon call, no one else wished to be heard and President Dages closed the hearing.

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Councilmember Boyajian noted this was exempt from CEQA and presented questions relative to whether this vacation was occurring to accommodate development, number of houses planned, and if development was contingent upon this vacation, with Mr. Polsgrove responding. Councilmember Boyajian stated he could not support this due to it being exempt from CEQA.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-488 hereby adopted by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(10:05 A.M.) HEARING TO CONSIDER THE VACATION OF A WATER MAIN EASEMENT LOCATED SOUTH OF W. HERNDON BETWEEN N. FORKNER AND N. WEST AVENUES - R.I. NO. 1047-D

1. RESOLUTION NO. 2005-489 - ORDERING THE VACATION OF THE ABOVE

President Dages announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun left the meeting at 12:04 p.m. due to prior commitments and returned after the lunch recess.

Supervising Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-489 hereby adopted by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : Calhoun

(10:10 A.M.) HEARING TO CONSIDER THE FORMATION OF A SPECIAL TAX DISTRICT AND AUTHORIZE THE LEVY OF A SPECIAL TAX - CFD NO. 11

1. RESOLUTION NO. 2005-490 - FORMATION OF CFD NO. 11, AUTHORIZING THE LEVY OF A SPECIAL TAX, AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREIN

2. RESOLUTION NO. 2005-491 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2005-492 - DECLARING ELECTION RESULTS

4. BILL NO. B-135 - ORDINANCE NO. 2005-137 - LEVYING A SPECIAL TX FOR THE PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-490, 2005-491 and 2005-492 hereby adopted, and the above entitled Bill No. B-135 adopted as Ordinance No.

2005-137, by the following vote:

146-16311/15/05

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	Calhoun

(10:30 A.M.) QUARTERLY REPORT ON THE PROGRESS OF THE WEST FRESNO WORKGROUP ON IMPLEMENTING THE RECOMMENDATIONS OF THE WEST FRESNO COMMUNITY VISION PLAN - COUNCILMEMBER STERLING

Councilmember Sterling stated the report was self-explanatory and made a motion to approve it.

Barbara Hunt, 2475 S. Walnut, spoke to boundary issues.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the West Fresno Workgroup Quarterly Report hereby approved, by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	Calhoun

(10:45 A.M.) HEARING ON REZONE APPLICATION NO. R-05-50 AND ENVIRONMENTAL FINDINGS FILED BY FANCHER CREEK PROPERTIES, PROPERTY LOCATED ON THE NORTHEAST AND SOUTHEAST CORNER OF S. CLOVIS AVENUE AND E. TULARE AVENUE ALIGNMENT

1. CONSIDER AND ADOPT E.A. NO. R-05-50, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. **BILL NO. B-136 - ORDINANCE NO. 2005-138** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5 TO C-3/UGM/cz

President Dages announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan advised he had property interest in the area and recused himself from the proceedings leaving at 12:12 p.m. and returning after the lunch recess.

Supervising Planner Sanchez gave an overview of the issue, all as contained in the staff report as submitted, clarified Fancher Creek agreed to install an additional west-bound right-turn lane on E. Kings Canyon Road to north-bound Clovis Avenue and staff would be requesting additional traffic information at the time of site plan submittal for this project, spoke briefly to the update letter submitted by the Medical Advocates for Healthy Air (MAHA) relative to negotiations on air quality issues, and recommended approval.

Applicant Tom Richards thanked staff, stated he concurred and endorsed staff's report and recommendations, spoke to issues they addressed that were raised by Council and MAHA, and requested approval. **(5 - 0)** Relative to the MAHA side of the Fancher Creek litigation, Chief Assistant City Attorney Sanchez advised staff had completed a draft recommendation and it would be coming forth at the next meeting.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, support for the project; and Tom Lang, 5541 Columbia Drive North, Sue Williams, Secretary, Sunnyside Property Owners Association (SPOA), and Karen Musson, 1771 S. Waverly, SPOA member, who all expressed traffic impact concerns and requested another traffic study be conducted as promised.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Boyajian spoke to the issue at length stating there was a problem in the area already without this project and with the two major changes a lot of traffic would be added, elaborated on the need to plan the area property, have infrastructure in place, and look at all area developments and cumulative impacts, and stated another study was needed and he could not support the project. Planning & Development Director Yovino responded to questions of Councilmember Westerlund relative to whether the EIR Council approved on May 17th included the MEG parcel, if a traffic impact study was done as part of that EIR, and the study/additional studies and what was looked at. Councilmember Westerlund stated after his review of information everything appeared to be in order and made a motion to approve.

146-164**11/15/05**

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-50 dated September 29, 2005, that the project proposal conforms to the provisions of the General Plan MEIR and Program EIR hereby approved, and the above entitled Bill No. B-136 rezoning the subject property adopted as Ordinance No. 2005-138, by the following vote:

Ayes :	Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	Calhoun
Recused :	Duncan

(11:00 A.M.) HEARING REGARDING NAMING THE SOFTBALL FIELD AT QUIGLEY PARK IN MEMORY OF ELMER STOKES

President Dages announced the time had arrived to consider the issue and opened the hearing. Councilmember Boyajian spoke about Mr. Spokes, his passing, and all he did for Quigley and the senior league, stated he was an inspiration and this naming was a small gesture but the field deserved the honor of his name, and made a motion to name the field after Mr. Stokes.

Speaking in support were: Tony Farmer who read a statement from Joe Nichols into the record, and Barbara Hunt, 2475 S. Walnut.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the softball field at Quigley Park to be named in memory of Elmer Stokes, by the following vote:

Ayes :	Boyajian, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	Calhoun, Duncan

LUNCH RECESS - 12:52 P.M. - 2:04 P.M. All members were present.

The City Council convened briefly in joint session with the Redevelopment Agency to address an issue that arose.

(3:30 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

("A") HEARING TO CONSIDER A RESOLUTION OF PUBLIC INTEREST AND NECESSITY FOR THE ACQUISITION OF A FEE INTEREST FROM THE FOLLOWING PARCELS OF REAL PROPERTY LOCATED ON "L" STREET: APN 468-271-04 OWNED BY AVIS AND DIANA CHILINGERIAN TRUSTEES, APN 468-271-21 OWNED BY AVIS AND DIANA CHILINGERIAN, APN 46-271-05 OWNED BY LISA MELKONIAN, APN 468-271-06 OWNED BY HOLY TRINITY ARMENIAN APOSTOLIC CHURCH, AND APNs 468-234-13 & -23 OWNED BY BRADLEY V. BARISIC AND FRANK M. & MARGARET I. VOORHEES TRUSTEES, ET AL., FOR PUBLIC PURPOSES TO PROVIDE FOR THE REDEVELOPMENT, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE - SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT AREA

1. RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE, AND AUTHORIZING EMINENT DOMAIN FOR, ACQUISITION OF A FEE INTEREST FROM THE REAL PROPERTY ON "L" STREET

Councilmember Westerlund advised a letter came to light that outside counsel wanted to look at further and made a motion to continue the matter to December 13th at a time certain.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Agency Item "A" continued to December 13, 2005, at 3:30 p.m., by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
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Noes : None
Absent : None

The City Council reconvened in regular session at 2:08 p.m.

146-165

11/15/05

(3-A) REQUEST FOR AN AUDIT OF ALL PARKS AND RECREATION GRANTS FOR THE LAST FOUR YEARS, MOSTLY INTERESTED IN THE VICTORIA WEST, FINK WHITE AND LAFAYETTE PARK GRANTS - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian noted he requested this information before, stated nothing has been done at these parks and explained, clarified when grants are applied for staff states the city is ready to go and spend the money and if due diligence is not shown granting agencies look down on that, and stated he wanted to know what was going on, how projects were being implemented, and what the timeline was to get the projects done. City Manager Souza stated he did not recall the request and apologized and advised staff would provide a report on November 29th. Councilmember Westerlund stated this was an issue the parks commission could look at and encouraged Council to nominate names and appoint their members. Councilmember Perea thanked Councilmember Boyajian for bringing this forth stating he has been waiting a long time for answers.

(3-B) DESIGNATE COUNCIL COMMITTEE, INCLUDING A DESIGNEE FROM THE CITY MANAGER'S OFFICE, TO ESTABLISH A SELECTION PROCESS TO SELECT A NEW CITY ATTORNEY

President Dages corrected his agenda title to the wording shown and recommended Councilmembers Duncan, Perea and himself be designated to the committee, which was approved by Council consensus.

(3-C) DISCUSSION AND DIRECTION TO STAFF RELATIVE TO RENAME PART OR ALL OF "M" STREET TO "INDEPENDENCE AVENUE" - COUNCILMEMBER CALHOUN, AS AMENDED, TO INCLUDE PART OR ALL OF "P" STREET

Councilmember Calhoun stated Fresno had its heroes and in order to appropriately recognize and honor them he was recommending all of "M" Street be renamed *Independence Avenue (6 - 0)*, stated "M" Street did not ring any significant bell and spoke to his vision for the newly named street, and clarified if this direction is approved it would start the renaming process and made a motion to approve.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon question of Councilmember Perea, City Attorney Montoy clarified approval of the motion would direct staff to start the process which would include hearings before the planning commission and council and it would not commit Council to approve the name change in the end, whereupon Councilmember Perea seconded the motion on the floor. Upon question of Councilmember Duncan Councilmember Calhoun stated he selected "M" Street as it was a key downtown street that went through the center of the city, it had the convention center, and it was a logical street for parades. Councilmember Duncan requested if Councilmember Calhoun was willing to include "P" Street as another option with Councilmember Calhoun stating he was open to that and amended his motion to include and look at "P" Street also.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, staff directed to start the process to rename a portion or all of "M" or "P" Streets to "Independence Avenue", by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Boyajian
Absent : None

(2:30 P.M.) PRESENTATION ON THE STATUS OF THE COMMUNITY CHOICE AGGREGATION PROGRAM

Assistant Public Utilities Director Ramirez gave an in-depth PowerPoint presentation on the issue and along with the general manager of the Kings River Conservation District (KRCD) responded to questions/comments of Councilmembers Calhoun and Perea relative to how the city could move forward on this without Fresno County at the table, percentage of the county that is in the KRCD service area, what a baseload power plant was, and how much energy would be renewable. Councilmember Duncan spoke briefly to the value of having a baseload power plant nearby and stated he looked forward to this becoming a successful operation. There was no further discussion.

146-166

11/15/05

(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-04-106 AND ENVIRONMENTAL FINDINGS FILED BY INGLES BRAUN ASSOCIATES ON BEHALF OF LAFFERTY HOMES, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF S. ARMSTRONG AND E. HAMILTON AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-04-106/T-5413/C-04-322, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-137 - ORDINANCE NO. 2005-139 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking in support of the issue were: Applicant representative Elizabeth Berg, Lafferty Homes; Builder Tim Howard, D.R. Horton Co., 2350 W. Shaw; and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Dages closed the hearing. A motion and second was made to approve staff's recommendation. Councilmember Boyajian stated he was opposed to this project and the upcoming 3:00 p.m. item due to cumulative impacts of all area developments not being looked at.

On motion of President Dages, seconded by Councilmember Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-106/C-04-322/T-5413 dated August 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-137 rezoning the project site adopted as Ordinance No. 2005-139, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

RECESS - 2:53 P.M. - 3:00 P.M.

(3:45 P.M.) AWARD A FIVE-YEAR CONTRACT WITH OPTIONAL EXTENSIONS TO WEST COAST WASTE, INC. OF FRESNO, TULE RANCH/MAGAN RANCH OF FRESNO, AND EARTHWISE ORGANICS, INC. OF FRESNO, FOR BENEFICIAL REUSE OF BIOSOLIDS/GREEN WASTE

City Manager Souza advised in discussions with city attorney and public utilities staff it was determined Council could not take action this date as the agenda did not include the notification of the CEQA findings, and requested, in light of that omission and the anticipated lengthy testimony, that the matter be continued to November 29th and added people would be notified. A motion and second was made to continue the matter to November 29th at 3:00 p.m. Councilmember Boyajian stated he hoped the math would be more succinct in regards to what the bidders bid. Councilmember Calhoun questioned why this issue was not properly before Council and who was responsible, noted people were coming from out of town to address this and stressed he was tired of it being before Council numerous times, stated he wanted to see this get stated and debated this date adding it could always be continued for final action, and stated this was very embarrassing and strongly encouraged Council to hear the matter. Chief Assistant City Attorney Sanchez and Mr. Souza clarified issues and options with Mr. Souza adding history has shown that hearings, and a subject of this magnitude, tend to get messy when they are split and staff felt the best approach would be to continue the matter and hear it only once in its entirety.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled 3:45 p.m.

item continued to November 29, 2005, at 3:00 p.m., by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Calhoun
Absent	:	None

(3:00 P.M.) HEARING ON REZONE APPLICATION NO. R-04-107 AND ENVIRONMENTAL FINDINGS FILED BY INGLES BRAUN ASSOCIATES ON BEHALF OF LAFFERTY HOMES, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF S. TEMPERANCE AND E. BUTLER AVENUES

146-167

11/15/05

1. CONSIDER AND ADOPT E.A. NO. R-04-107/T-5188/C-04-323, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-138 - ORDINANCE NO. 2005-140 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Braun advised this was the twin to the 2:45 p.m. item and recommended approval. Councilmember Sterling briefly left the meeting at 3:12 p.m.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Boyajian's opposing comments made during the 2:45 p.m. item were incorporated herein.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-107T-5188/C-04-323 dated August 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-138 rezoning the project site adopted as Ordinance No. 2005-140, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Westerlund, Dages
Noes	:	Boyajian
Absent	:	Sterling

(3:05 P.M.) HEARING ON REZONE APPLICATION NO. R-04-103 AND ENVIRONMENTAL FINDINGS FILED BY OWEN PURDY ON BEHALF OF ROBERT AND MARGARET SIMMERMAN, PROPERTY LOCATED ON THE EAST SIDE OF N. CHESTNUT BETWEEN E. GETTYSBURG AND E. INDIANAPOLIS AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-04-103, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A/cz TO R-2-A

President Dages announced the time had arrived to consider the matter and opened the hearing. Councilmember Westerlund advised he had not had an opportunity to meet with the involved parties **(7 - 0)** and made a motion to continue the hearing to November 29th so he could meet with the developers, which motion was seconded and acted upon after brief discussion.

An unidentified applicant representative advised he contacted Councilmember Westerlund's office and was told Councilmember Westerlund was not interested in talking about the project, with Councilmember Westerlund stating he did not recall that and clarified he did want to talk.

Planner Bernal gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support of the continuance.

Upon call, no one else wished to be heard and President Dages closed public testimony.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled 3:05 p.m Hearing on R-04-103 continued to November 29, 2005, at 11:00 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
 Noes : None
 Absent : Sterling

Councilmember Sterling returned to the meeting at 3:17 p.m.

(3:15 P.M.) HEARING ON REZONE APPLICATION NO. R-05-27 AND ENVIRONMENTAL FINDINGS FILED BY ROBERT AND MONA HERMAN, PROPERTY LOCATED ON THE NORTH SIDE OF W. CALIMYRNA AVENUE BETWEEN N. BRAWLEY AND N. FIGARDEN DRIVE

146-168

11/15/05

- 1. CONSIDER AND ADOPT E.A. NO. R-05-27, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**
- 2. BILL NO. B-139 - ORDINANCE NO. 2005-141 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-2/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-27, dated June 29, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-139 rezoning the subject property adopted as Ordinance No. 2005-141, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

RECESS - 3:20 P.M. - 3:30 P.M.

(3:30 P.M. #1) APPEARANCE BY CAROL SCROGGINS TO GIVE AN OVERVIEW OF THE UNITED WAY GRANT WRITER PROJECT - COUNCILMEMBER DUNCAN

Ms. Scroggins noted the fourth year of the program was coming up and submitted follow-along material to Council and gave a PowerPoint presentation/update on the program and progress. Councilmembers Duncan and Boyajian commended Ms. Scroggins and Councilmember Duncan spoke briefly to the program's success. Ms. Scroggins and City Manager Souza responded to questions of Councilmembers Boyajian, Westerlund and Calhoun relative to whether new groups were being incorporated, amount of money funded annually, if there was any benefit to have the city's grant writers and Ms. Scroggins talk, if there was any connection with what they do, and if the City had any reason to sub-contract with the United Way, with Councilmember Calhoun encouraging cross-pollination. President Dages thanked Ms. Scroggins and there was no further discussion.

(3:30 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:51 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF OCTOBER 25, 2005

On motion of Councilmember Westerlund, seconded by President Dages, duly carried, **RESOLVED**, the Agency minutes of

October 25, 2005, approved as submitted.

("A") Chair Boyajian noted the matter was continued earlier to December 13, 2005, at 3:30 p.m.

("B") APPROVE AMENDMENT #3 TO THE ORIGINAL OWNER PARTICIPATION AGREEMENT BETWEEN THE NATIONAL FARM WORKERS SERVICE CENTER (NFWSC), THE CITY OF FRESNO, AND THE REDEVELOPMENT AGENCY, DATED APRIL 25, 2001, TO AUTHORIZE THE CONSTRUCTION OF THREE (3) AFFORDABLE HOMES IN LIEU OF A COMMUNITY CENTER ON REMAINING VACANT LAND TO COMPLETE THE FINAL PHASE OF THE CASA SAN MIGUEL PROJECT (JOINT ACTION)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Vera Flieshman, Director of the California Program of the NFWSC, who spoke briefly to the issue and stated they wanted to complete the project; George Finley, West Fresno Merger II Advisory Committee member, who spoke in opposition, requested no action be taken until issues could be worked out, and requested the lots be left for people who will be displaced; and Barbara Hunt, 2475 S. Walnut, who concurred with Mr. Finley.

146-169

11/15/05

A motion and second was made to approve staff's recommendation. Councilmember Westerlund clarified what was at issue and spoke in support stating affordable housing would be added to the inventory, no one was being displaced, and the proposal made sense. Councilmember Sterling stated many projects were coming into district 3 and people would be displaced, and questioned if the new homes could be made available to displaced residents as Mr. Finley was asking, with Ms. Murphey responding affirmatively and advising staff would be coming back with a replacement housing plan which would include these three lots. Upon question of Chair Boyajian Ms. Murphey clarified the homes would be available to anyone with low to moderate income.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Third Amendment to the original Owner Participation Agreement between the National Farm Workers Service Center (NFWSC), the City of Fresno, and the Redevelopment Agency hereby approved, and the Agency authorized to facilitate the Agreement between the NFWSC and the City of Fresno Housing Authority, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Boyajian
Noes : None
Absent : None
Abstain : Sterling

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 4:10 p.m. having arrived and hearing no objections, Chair Boyajian declared the joint meeting and regular City Council meeting adjourned.

Approved on the 29th day of November, 2005.

_____/s/_____
Tom Boyajian, Agency Chairman

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

146-170

11/15/05